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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SHANNON O. MURPHY,)	No. C 08-1628 CW
)	
Plaintiff,)	
)	DEFENDANT'S ANSWER
v.)	
)	
UNITED STATES POSTAL SERVICE,)	
)	
Defendant.)	

Defendant United States Postal Service, without waiving affirmative defenses as follow, hereby answers the plaintiff's claim filed January 3, 2008, in the Alameda County Superior Court. With respect to the numbered paragraphs in the complaint, defendant answers each as follows:

- Paragraph one is a description of the plaintiff including an address where plaintiff can purportedly receive mail. Defendant lacks knowledge sufficient to admit or deny the allegations in this paragraph and the allegations are, on this basis, denied.
- Paragraph two is an erroneous description of the United States Postal Service. To the extent that a response is deemed necessary, defendant denies that plaintiff has identified an appropriate defendant in this case.
- Denied.

- 1 4. Defendant is without knowledge sufficient to admit or deny the allegations in this
2 paragraph and on this basis the allegations are denied.
- 3 5. Paragraph five is a legal conclusion stating plaintiff's basis for filing his claim in small
4 claims court in Alameda County. To the extent that a response is deemed necessary,
5 defendant denies that plaintiff chose an appropriate venue for his case.
- 6 6. Denied.
- 7 7. Admitted.
- 8 8. Admitted.
- 9 9. Defendant is without knowledge sufficient to admit or deny the allegations in this
10 paragraph and on this basis the allegations are denied.
- 11 10. Defendant is without knowledge sufficient to admit or deny the allegations in this
12 paragraph and on this basis the allegations are denied.
- 13 11. Defendant is without knowledge sufficient to admit or deny the allegations in this
14 paragraph and on this basis the allegations are denied.

15 **AFFIRMATIVE DEFENSES**

- 16 12. Plaintiff has failed to state a claim upon which relief can be granted.
- 17 13. Plaintiff has failed to exhaust his administrative remedies with respect to some of the
18 allegations in his complaint.
- 19 14. All actions taken by defendant or his agents with respect to plaintiff were taken for
20 legitimate, non-discriminatory reasons and there were no acts of discrimination or
21 reprisal, nor any violation of Title VII or the Age Discrimination in Employment Act, or
22 any other law, taken by defendant against plaintiff in any way.
- 23 15. Plaintiff seeks damages and other relief that is not authorized under any statute.
- 24 16. Plaintiff's claims are preempted by federal statutes including, but not limited to, Civil
25 Service Reform Act of 1978.
- 26 17. WHEREFORE, defendant prays that plaintiff take nothing by reason of his suit, that
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- 28 ///

1 judgment be rendered in favor of defendant for costs or suit incurred herein, and for such other
2 and further relief as to this Court may deem proper.

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4 Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 Dated: August 20, 2008

8 /s/
9 ABRAHAM A. SIMMONS
10 Assistant United States Attorney
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